

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hideaki KOBAYASHI et al.

Group Art Unit: 1794

Application No.: 10/559,629

Examiner: C. PADEN

Filed: December 6, 2005

Docket No.: 126132

For: OIL-IN-WATER EMULSIFIED FOOD PRODUCT

APPLICANTS' SUMMARY OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Paden in the June 10, 2009 interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

During the interview, Applicants' representative explained the statement, at page 2 of the Amendment filed May 26, 2009, that copending U.S. Patent Application No. 10/559,6777 and the present application were, at the time the present invention was made, both owned by Q.P. Corporation. The Examiner agreed that the statement would overcome the provisional rejection under 35 U.S.C. §103(a).

Applicants' representative explained the amendments to claims 6, 7 and 8 to address indefiniteness issues raised in the rejection under 35 U.S.C. §112. The Examiner agreed that the amendments would overcome the rejection.

Applicants' representative also explained that Corliss (U.S. Patent No. 6,113,972) does not describe at least the features of claim 6 requiring the composition ratio of plant sterol

to egg yolk lipoprotein in the complex is 5 to 232 parts by mass of plant sterol per 1 part by mass of egg yolk lipoprotein.

In addition, Applicants' representative addressed the Examiner's expressed intention to review the methods of Kawai (U.S. Patent No. 7,635,777) relative the method of claim 6. Applicants' representative explained that Kawai does not describe at least the features of claim 6 requiring preparation of a liquid dispersion of the complex, and adding oil-phase material to the liquid dispersion of the complex.

The Examiner agreed that the claim amendments appear to overcome the rejections relying upon Corliss and Kawai, and agreed to reconsider those rejections in view of the claim amendments and arguments submitted in the May 26 Amendment.

Respectfully submitted,



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JAO:DSK/can

Date: June 11, 2009

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